

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN FOWLER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CASE NO. 3:22-cv-05661-TL

ORDER AMENDING THE
SCHEDULING ORDER

Plaintiff was required to file the Opening Brief for this matter on or before April 22, 2023. Dkt. No. 12. By May 2, 2023, Plaintiff had neither filed the Opening Brief nor requested an extension of time, prompting the Court to issue an order for Plaintiff to show cause by May 15, 2023, why this matter should not be dismissed for lack of prosecution. Dkt. No. 13. The Court advised that Plaintiff could respond by filing the Opening Brief along with an explanation for the delay. *Id.*

Plaintiff filed the Opening Brief on May 15, 2023 (Dkt. No. 14), and explained that the late submission was due to a “calendar error and oversight due to a change in the paralegals in the office.” Dkt. No. 14-1 at 1. The Court does not find a change in paralegals in the office, leading to a calendar error, a reasonable cause for failure to comply with the Court’s

1 Scheduling Order, but will nonetheless accept the Opening Brief. However, the Court reminds
2 Plaintiff's counsel that

3 [a]n attorney or party who without just cause fails to comply with
4 . . . [the local] rules, or an order of the court, or who presents to the
5 court unnecessary motions . . . , or who otherwise so multiplies or
6 obstructs the proceedings in a case may, in addition to or in lieu of
the sanctions and penalties provided elsewhere in these rules, . . .
be subject to such other sanctions as the court may deem
appropriate.

7 Local Civil Rule 11(c). The Court, therefore, advises Plaintiff's counsel that any failure to
8 comply with the Court's orders in the future may result in sanctions.

9 To avoid prejudice to Defendant, the Scheduling Order (Dkt. No. 7) is hereby AMENDED
10 as follows:

- 11 • Defendant shall have up to and including **June 15, 2023**, to file the Responsive Brief.
- 12 • Plaintiff shall have up to and including **June 29, 2023**, to file the optional Reply
13 Brief.

14 Dated this 16th day of May 2023.

15 

16 _____
Tana Lin
17 United States District Judge
18
19
20
21
22
23